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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No.

2010-23

11 **CHARLES H. ROSALES, a.k.a.**
12 **CHARLES HORATIO ROSALES**
13 **1829 Marney Avenue**
Los Angeles, California 90032

A C C U S A T I O N

14 **Registered Nurse License No. 541012**
15 **Public Health Nurse No. 67837**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Heidi J. Goodman ("Complainant") brings this Accusation solely in her official
21 capacity as the Assistant Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about February 27, 1998, the Board issued Registered Nurse License Number
25 541012 to Charles H. Rosales, also known as Charles Horatio Rosales ("Respondent"). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on April 30, 2011, unless renewed.

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1 **Public Health Nurse**

2 3. On or about July 7, 2004, the Board issued Public Health Nurse License Number
3 67837 to Respondent. The public health nurse license was in full force and effect at all times
4 relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
7 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
9 the Nursing Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
13 (b), the Board may renew an expired license at any time within eight years after the expiration.

14 6. Code section 2761 states, in pertinent part:

15 "The board may take disciplinary action against a certified or licensed
16 nurse or deny an application for a certificate or license for any of the following:

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18 "(f) Conviction of a felony or of any offense substantially related to the
19 qualifications, functions, and duties of a registered nurse, in which event the record of
 the conviction shall be conclusive evidence thereof.

20 **COST RECOVERY**

21 7. Code section 125.3 provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licensee found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 **CAUSE FOR DISCIPLINE**

26 8. Respondent has subjected his licenses to discipline pursuant to Code section 2761,
27 subdivision (f), in that on September 5, 2007, in the Superior Court, County of Los Angeles,
28 California, in the matter entitled *People v. Charles Horatio Rosales*, Case No. GA070608, (2007),

1 Respondent was convicted by the court, following his plea of nolo contendere to violations of
2 Penal Code section 273.5, subdivision (a) (corporal injury to spouse/cohabitant/child's parent),
3 and Penal Code section 422 (criminal threats), both misdemeanors. The circumstances of the
4 crime are that on or about August 11, 2007, during an argument with his wife, P.R., Respondent
5 punched her in the face several times while driving. Respondent also made verbal threats to P.R.,
6 such that P.R. had to jump out of the moving vehicle from the open passenger window in fear of
7 her life.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

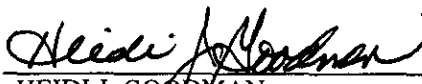
11 1. Revoking or suspending Registered Nurse License Number 541012, issued to
12 Charles H. Rosales, also known as Charles Horatio Rosales;

13 2. Revoking or suspending Public Health Nurse Number 67837, issued to Charles H.
14 Rosales, also known as Charles Horatio Rosales;

15 3. Ordering Charles H. Rosales, also known as Charles Horatio Rosales to pay the
16 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
17 case, pursuant to Code section 125.3; and,

18 4. Taking such other and further action as deemed necessary and proper.
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20

21 DATED: 7/22/09


HEIDI J. GOODMAN
Assistant Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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